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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/669,494	09/24/2003	Che-Hsiung Hsu	PE0688 US NA	3970

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EXAMINER

KOPEC, MARK T

ART UNIT	PAPER NUMBER
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1751

DATE MAILED: 12/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/669,494

Applicant(s)

HSU ET AL.

Examiner

Mark Kopec

Art Unit

1751

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 September 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10, 15, 37, 38, 48 and 54 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10, 15, 37, 38, 48 and 54 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 1751

This action is responsive to applicant's amendment/remarks filed 09/28/06. Claims 1-10, 15, 37, 38, 48 and 54 are currently pending. The instant claims (as amended) read on the elected invention.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-10, 15, 37, 38, 48 and 54 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over: claims 1-3 of copending Application No. 11/165,158; claims 1-8 of copending Application No. 10/802,704; claims 1-3 and 7-10 copending Application No. 10/814,917; claims 24-27 copending Application No. 10/803,114; and claims 1-9 of copending Application No. 10/802,138.

This rejection is maintained for the reasons set forth in the Rejection mailed 01/11/06 (Pages 3-4).

Applicant's remarks regarding this provisional rejection are noted. Applicant should submit a Terminal Disclaimer in response to this action.

Claims 1-6, 15, 37, 38, 48 and 54 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over EP 0593111.

This rejection is maintained for the reasons set forth in the Rejection mailed 01/11/06 (Pages 5-6).

Art Unit: 1751

Claims 1-10, 37, 48 and 54 are rejected under 35 U.S.C. 102(b) as anticipated by, or in the alternative, under 35 U.S.C. 103(a) as obvious over Pickup et al (Electronically conducting cation-exchange polymer...).

This rejection is maintained for the reasons set forth in the Rejection mailed 01/11/06 (Pages 6-7).

Applicant's arguments filed 09/28/06 have been fully considered but they are not persuasive.

Each of the instant claims has been amended to recite "A buffer composition". Applicant argues that EP 0593111 or Pickup do not teach the PEDOT/dopant compositions for use as a "buffer layer".

The examiner respectfully maintains that both EP'111 and Pickup meet the claimed limitations. Specifically, both references disclose compositions containing the claimed aqueous dispersion of polythiophene and colloid-forming polymeric acid. The instant recitation of "buffer composition" does not distinguish over the compositions disclosed in EP'111 and Pickup. The claim preamble must be read in the context of the entire claim. The determination of whether preamble recitations are structural limitations or mere statements of purpose or use "can be resolved only on review of the entirety of the [record] to gain an understanding of what the inventors actually invented

Art Unit: 1751

and intended to encompass by the claim." Corning Glass Works, 868 F.2d at 1257, 9 USPQ2d at 1966. If the body of a claim fully and intrinsically sets forth all of the limitations of the claimed invention, and the preamble merely states, for example, the purpose or intended use of the invention, rather than any distinct definition of any of the claimed invention's limitations, then the preamble is not considered a limitation and is of no significance to claim construction. Pitney Bowes, Inc. v. Hewlett-Packard Co., 182 F.3d 1298, 1305, 51 USPQ2d 1161, 1165 (Fed. Cir. 1999). See also Rowe v. Dror, 112 F.3d 473, 478, 42 USPQ2d 1550, 1553 (Fed. Cir. 1997).

With respect to independent claim 1 (and claims dependent thereon), the examiner respectfully submits that the claimed limitation "...said composition has pH of greater than about 3" would be inherent, or at the very least obvious, over the prior art relied upon above. At page 13 of the specification, applicant teaches:

As synthesized aqueous dispersions of polythiophenes polymer acid colloids, including, polydioxithiophenes and fluorinated polymeric sulfonic acid colloids, can have a wide range of pH and can be adjusted to typically be between about 1 to about 8, and generally have a pH of about 3-4. It is frequently desirable to have a higher pH, as the acidity can be corrosive. It has been found that the pH can be adjusted using known techniques, for example, ion exchange or by titration with an aqueous basic solution. Stable dispersions of polydioxithiophenes and fluorinated polymeric sulfonic

Art Unit: 1751

acid colloids with a pH up to 7-8 have been formed. Aqueous dispersions of polythiophenes and other colloid-forming polymeric acids can be similarly treated to adjust the pH.

The prior art discloses such adjustment(s). Specifically, EP 0593111 discloses (at page 5):

15 It has been established experimentally that the presence of residual persulfate is undesirable when optically clear antistatic layers have to be formed and that the adhesion in wet state to hydrophobic resin supports is impaired thereby. Therefore, following the polymerization process a desalting step is introduced. For example, by known procedures such as dialysis, elektrodialysis, ultrafiltration or treatment with basic or acidic ion exchange resins the persulfate and particularly potassium persulfate is removed.

R 40 Instead of the free polymeric polyacids applied in conjunction with the polythiophenes it is possible to use mixtures of alkali salts of said polyacids and non-neutralized polyacids, optionally in the presence of monoacids. Free acid groups of the polyanionic polymer may be allowed to react with an inorganic base, e.g. with sodium hydroxide, to obtain a neutral polymer dispersion before coating.

Accordingly, the examiner subsists that the prior art teaches "treatment" of acidic compositions by ion exchange or treatment with basic solution in order to render such neutral (or adjust pH).

In view of the foregoing, the above claims have failed to patentably distinguish over the applied art.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS

Art Unit: 1751


of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Kopec whose telephone number is (571) 272-1319. The examiner can normally be reached on Monday - Friday from 9:30 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Douglas McGinty can be reached on (571) 272-1029. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1751

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Mark Kopec
Primary Examiner
Art Unit 1751

MK
December 1, 2006